

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,**

Plaintiff,

Case No. 23-cv-10017

v.

**District Judge Shalina D. Kumar
Magistrate Elizabeth A. Stafford**

NEIL S. CHANDRAN, et al.,

Defendants.

_____ /

PLAINTIFF’S REQUEST FOR CLERK’S ENTRY OF DEFAULT

Plaintiff, the United States Securities and Exchange Commission (“SEC”), in accordance with Rule 55(a) of the Federal Rules of Civil Procedure, respectfully requests that a Clerk’s Entry of Default be entered against defendants Neil S. Chandran, Garry J. Davidson, Linda C. Knott, AEO Publishing Inc. (“AEO Publishing”), Banner Co-Op, Inc. (“Banner Co-Op”) and BannersGo, LLC (“BannersGo”) for failure to plead or otherwise defend against the SEC’s Complaint. In support of this request, undersigned counsel for the SEC states as follows:

1. Rule 55(a) of the Federal Rules of Civil Procedure provides that a party’s default should be entered by the Clerk of the Court where a judgment for affirmative relief is sought against a party that has failed to plead or otherwise defend.

2. The SEC filed its Complaint against the defendants on January 4, 2023.

Service as to each non-responding defendant is addressed below.

Neil S. Chandran

3. On January 6, 2023, the SEC sent a Notice of Lawsuit and Request for Waiver of Summons to Tom Dahlk, counsel for Chandran, via overnight delivery.

4. Chandran executed a Waiver of Service of Summons on January 27, 2023, pursuant to Rule 4(d) of the Federal Rules of Civil Procedure, which was filed with the Court on March 3, 2023. (ECF No. 8) In that Waiver, Chandran acknowledged that a default judgment would be entered against him if he failed to serve an answer or motion under Rule 12 of the Federal Rules of Civil Procedure within 60 days from January 6, 2023. Thus, Chandran was required to answer or otherwise respond to the Complaint by March 7, 2023.

5. On March 10, 2023, the SEC stipulated to an extended answer deadline of April 6, 2023 for Chandran following his counsel's request for additional time to respond to the Complaint. (ECF No. 11) On March 24, 2023, the Court ordered that Chandran's answer deadline was extended until April 6, 2023. (ECF No. 15)

Garry J. Davidson

6. On January 11, 2023, the SEC personally served Davidson with a copy of the summons and complaint at his usual place of abode located at 207 Mojave Lane, Henderson, Nevada 89015. The SEC filed the Affidavit of the process server on January 20, 2023. (ECF Doc. No. 6)

7. In accordance with Rule 12(a) of the Federal Rules of Civil Procedure, which provides among other things, that a defendant must serve an answer within 21 days after being served with the summons and complaint, Davidson was required to respond to the Complaint by February 1, 2023.

8. On March 10, 2023, the SEC stipulated to an extended deadline of April 6, 2023 for Davidson following his request for additional time to respond to the Complaint. (ECF No. 11) On March 24, 2023, the Court ordered that Davidson's answer deadline was extended until April 6, 2023. (ECF No. 15)

Linda C. Knott

9. On January 18, 2023, the SEC personally served Knott with a copy of the summons and complaint at her usual place of abode located at 3000 West Memorial Road, Suite 123-318, Oklahoma City, Oklahoma 73120. The SEC filed the Affidavit of the process server on January 20, 2023. (ECF No. 7)

10. In accordance with Rule 12(a) of the Federal Rules of Civil Procedure, which provides among other things, that a defendant must serve an answer within 21 days after being served with the summons and complaint, Knott was required to respond to the Complaint by February 8, 2023.

AEO Publishing Inc.

11. On January 6, 2023, the SEC sent a Notice of Lawsuit and Request for Waiver of Summons to Leonard Feuer, counsel for AEO Publishing, via overnight delivery.

12. Amy Mossel, on behalf of AEO Publishing, executed a Waiver of Service of Summons on January 20, 2023, pursuant to Rule 4(d) of the Federal Rules of Civil Procedure, which was filed with the Court on March 3, 2023. (ECF No. 10) In that Waiver, AEO Publishing acknowledged that a default judgment would be entered against it if it failed to serve an answer or motion under Rule 12 of the Federal Rules of Civil Procedure within 60 days from January 6, 2023. Thus, AEO Publishing was required to answer or otherwise respond to the Complaint by March 7, 2023.

Banner Co-Op, Inc.

13. On January 6, 2023, the SEC sent a Notice of Lawsuit and Request for Waiver of Summons to Jeff Gorman, counsel for Banner Co-Op, via overnight delivery.

14. Mr. Gorman, on behalf of Banner Co-Op, executed a Waiver of Service of Summons on March 14, 2023, pursuant to Rule 4(d) of the Federal Rules of Civil Procedure, which was filed with the Court on March 14, 2023. (ECF No. 14) In that Waiver, Banner Co-Op acknowledged that a default judgment would be entered against it if it failed to serve an answer or motion under Rule 12 of the Federal Rules of Civil Procedure within 60 days from January 6, 2023. Thus, Banner Co-Op was required to answer or otherwise respond to the Complaint by March 7, 2023.

BannersGo, LLC

15. On January 6, 2023, the SEC sent a Notice of Lawsuit and Request for Waiver of Summons to Jeff Gorman, counsel for BannersGo, via overnight delivery.

16. Mr. Gorman, on behalf of BannersGo, executed a Waiver of Service of Summons on March 14, 2023, pursuant to Rule 4(d) of the Federal Rules of Civil Procedure, which was filed with the Court on March 14, 2023. (ECF No. 13) In that Waiver, BannersGo acknowledged that a default judgment would be entered against it if it failed to serve an answer or motion under Rule 12 of the Federal Rules of Civil Procedure within 60 days from January 6, 2023. Thus, BannersGo was required to answer or otherwise respond to the Complaint by March 7, 2023.

Failure to plead or otherwise defend

17. To date, Chandran, Davidson, Knott, AEO Publishing, Banner Co-Op, and BannersGo have failed to answer or otherwise defend against the Complaint in accordance with Rule 12 of the Federal Rules of Civil Procedure.

18. None of Chandran, Davidson, Knott, AEO Publishing, Banner Co-Op, and BannersGo is an infant, incompetent person, or a member of the military service.

19. This statement is true and is signed under the penalty of perjury.

WHEREFORE, for the reasons cited above, the SEC respectfully requests that a Clerk's Entry of Default be entered against defendants Neil S. Chandran,

Garry J. Davidson, Linda C. Knott, AEO Publishing Inc., Banner Co-Op, Inc. and BannersGo, LLC.

Dated: July 31, 2023

Respectfully Submitted,

**UNITED STATES SECURITIES AND
EXCHANGE COMMISSION**

s/Michael D. Foster

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed Plaintiff's Request for Clerk's Entry of Default using the Court's CM/ECF system, and caused a copy of the foregoing to be served via overnight delivery upon:

Neil S. Chandran
c/o Tom Dahlk
Kutak Rock LLP
1650 Farnam Street
Omaha, NE 68102

Garry J. Davidson
207 Mojave Lane
Henderson, NV 89015

Michael T. Glaspie
1343 SW Seagull Way
Palm City, FL 34991

Linda C. Knott
923 Tyler Ave NW
Piedmont, OK 73078

Amy S. Mossel
1343 SW Seagull Way
Palm City, FL 34990

AEO Publishing, Inc.
c/o Amy Mossel, Registered Agent
1343 SW Seagull Way
Palm City, FL 34990

Banner Co-Op, Inc.
c/o The Company Corporation
251 Little Falls Drive
Wilmington, DE 19808

And

c/o Michael T. Glaspie
1343 SW Seagull Way
Palm City, FL 34990

BannersGo, LLC
c/o Matthew Glaspie
1050 S. Milford, Suite 103
Highland, MI 48357

Dated: July 31, 2023

s/Michael D. Foster
Michael D. Foster